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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John C. Reed

Confirmation No.: 7441

Serial No.: 09/724,425

Art Unit: 1635

Filed: November 28, 2000

Examiner: Schmidt, M.

For: **Regulation of BCL-2 Gene
Expression**

Attorney Docket
No: 10412-026-999

DECLARATION OF FINBARR E. COTTER UNDER 37 C.F.R. § 1.132

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

SEP 24 2003

TECH CENTER 1600/2900

Sir:

I, FINBARR E. COTTER, do declare that:

1. I am a citizen of the United Kingdom, and am Professor of Experimental Haematology at Barts and the London School of Medicine, located at Turner Street, London E1 2AD, United Kingdom. I have extensive experience in the field of antisense technology, particularly in the use of antisense as a therapeutic.

2. I have been asked to comment on the teachings of the above-identified patent application (the "Reed application"), the disclosure of which is identical to PCT WO 95/08350, (the "Reed PCT") and what these teachings would provide to one skilled in the art as of the 1988 priority date of the Reed application. Additionally, I have been asked to comment on the applicability of the teachings of the Reed application and the in vitro and cell-based data presented therein for the development of bcl-2 directed antisense oligonucleotides ("AO") as therapeutic agents for the treatment of bcl-2 related disorders.

3. The Reed application relates to AO that target the bcl-2 gene and the use of such AO for the treatment of disorders relating to over expression of the bcl-2 gene product, such as cancer and autoimmune disease (see e.g., the Reed application and the